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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,044	07/14/2003	John M. Meyer JR.	7779	6067

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EXAMINER	
SAYALA, CHHAYA D	

ART UNIT	PAPER NUMBER
1761	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/619,044	MEYER ET AL.	
	Examiner	Art Unit	
	C. SAYALA	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-37 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-37 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

'Mixing device' lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 32, 34 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Coody (US Patent 5007194), Yearley (US Patent 2102052) and Carr (US Patent 4463018).

All the above references teach artificial baits that are made from hides or rind that can be used as crustacean bait. Applicant's claims are written in product-by-process format and as such, it is the novelty of the instantly claimed product that needs to be established and not that of the recited process steps. In re Brown, 173 USPQ 685 (CCPA 1972); In re Wertheim, 191 USPQ (CCPA 1976).

3. Claims 1, 35 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Pfleiderer et al.

The steps are all shown by the reference and therefore the claim has been met.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-29, 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiiliams Jr. (US Patent 3964203) and Carr (US Patent 4463018) in view of Pfleiderer et al. (US Patent 4484924) Hague et al. (US Patent 6827041) and Talty et al. (US Patent 3408918) and further in view of Thiele (US Patent 4224028).

Using rinds/skins as fishing lures were known in the art at the time the invention was made. See for instance Williams, Jr, who teaches the use of pork rind in prior art and chamois in the reference invention, the latter being treated with cod-fish oil. The chamois is cut into strips and the strips have an attachment hole at one end for a fish hook. See claims. Carr also describes using hide as artificial bait incorporated with an attractant such as fish-oil. The patents do not teach the other steps of treating with alkali, washing, delining etc.

Pfleiderer et al. teach washing for the removal of dirt, soaking in hydrated lime or alkalies to a pH of from 7-11, deliming with acids such as citric acid and finally, curing with NaCl. See col. 6, e.g. 1; col. 5, lines 16; col. 2, line 40, which teaches that mixing/washing can be done in a drum or in a mixer. Note too that in the soak liquor containing alkali that brings the pH value to between 8 and 10 (see line 63), "wetting agents" (detergents) are used. Thus all the steps were known in the art at the time the invention was made. To substantiate this fact, see Hague et al. who teach that skin is washed with alkali, washed with salts such as ammonium chloride, and then bleached. See col. 5, lines 3-10, which show the fat and oil is removed by agitating with sodium salts. The degrease materials can also be a detergent, and the skin is bleached so that the skin is low in oil and soft. See example 1. Talty et al., also drawn to processing of hides, show liming for a period of less than 4 days for periods of 3-12 hours or less, which reads on the limitation claimed instantly. The hide pieces are then neutralized with acids such as citric acid (see col. 3). The delimed, washed hides are then further processed to final products.

These references add to the disclosure of Pfleiderer et al. that processing steps from skin or hide to remove fat, flesh, hair and to bleach the skin or hide so as to form the final product were similar. Note that although only a few of the limitations pertaining to amounts, and time and temperature of wash/rinse water are disclosed as claimed, such determinations would depend primarily on the type of skin and hide, and end product used. To make minor modifications to known process steps shown by the references of Pfleiderer et al., Hague et al. and Talty et al. so as to prepare an artificial

lure, to incorporate an attractant into the lure such as fish oil, a known fish attractant, would have been obvious to the practitioner at the time the invention was made. To add steps such as checking pH of the acid solution, draining washing solutions, adding more water or alkali or acid if more is necessary or to adjust such levels to below a particular required value, are steps that would have been routine and obvious to the skilled worker, barring any evidence to the contrary. To use temperatures of rinse liquids above 100° C also would also have been obvious for the logical scientific fact of removing fat and grease and adding to the degrease effect that one of ordinary skill would have associated with the degrease techniques used above with respect to the chemicals disclosed.

As for packaging the artificial lures, this limitation has been in use in prior art as shown by Carr (see col. 6). To choose plastic containers and to pack the attractant also with the bait would have been an obvious modification over applying the oil to the rawhide and then packing it. Disclosure of fish oil renders obvious all the specific oils claimed.

Artificial lures use rawhides, hides or skins, as shown by prior art and the process steps of liming, deliming, rinsing, bleaching, curing etc. such hides or skins are also known in the art, and the motivation to use such processes to prepare such artificial bait is to convert them to be stable, to prevent and/or retard putrefaction of skins, hides of freshly slaughtered animals. See Thiele. See col. 2, in Thiele, and though this patent is drawn to the tanning industry, the artisan would have recognized

that in preparation of rawhide for a bait, the same problems exist because decay, putrefaction would have been inherent disadvantages to both utilities.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pfleiderer et al. in view of Gould (US Patent 3670534) and Holdsworth (US Patent 3913360).

Although Pfleinderer et al. teach a mixer, they do not disclose any particular device. Mixing devices with respect to processing hides are disclosed by Holdsworth and Gould. To adjust the blades in a manner that would provide the mixing necessary, given the prior art devices and their blades would have been within the ambit of ordinary skill.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. SAYALA whose telephone number is 571-272-1405.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. SAYALA
Primary Examiner
Group 1700.